IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 71944-M of 2006.
Date of Decision: November 27, 2006.

Sucha Ram

....**Petitioner**

through
Mr. Sarwan Singh, Sr.Advocate
with Mr. N.S.Rapri, Advocate.

Versus

Punjab State.

...**Respondent**

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

The prayer in this petition is to release the petitioner on regular bail in case FIR No. 162 dated 24.6.2005 registered at Police Station, Nawansahar, under the N.D.P.S.Act.

Previously also, the petitioner had moved similar bail applications but the same were dismissed as withdrawn. Thereafter, he was granted interim bail for a few days on account of death of his mother and as per the averments made in this petition, he had surrendered within the time granted by this Court.

The primary contention raised on behalf of learned counsel for the petitioner is that the petitioner is in custody since 22.6.2005 and no effective steps towards the conclusion of the trial are being taken, as is evident from the *inter-locutory* orders passed by the learned Special Court

(Annexures P-4 and P-5). It is apparent that the prosecution witnesses are either not served or not produced, as a result of which the learned trial Judge has now adjourned the case for 4.1.2007.

It is stated by learned counsel for the petitioner that there are 17 prosecution witnesses in all and uptill now, none has been produced. It is also contended that most of the witnesses are official ones.

After hearing learned counsel for the parties and having regard to the provisions as contained in Section 37 of the N.D.P.S.Act, though no case for the grant of bail is made out, however, this petition is disposed of with the following directions:-

> (i) the Senior Superintendent of Police, Nawansahar, is directed to ensure that all the official witnesses come present before the learned trial Court on 4.1.2007, i.e., the date fixed, failing which appropriate proceedings under the Contempt of Courts Act, 1971 shall be initiated against the SSP as well as those official witnesses who would fail to appear without any sufficient case;
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> ii) the learned trial Court shall make every endeavour to examine as many witnesses as possible, who are directed to appear before it on 4.1.2007;
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> iii) the learned trial Court shall also make an endeavour to conclude the trial proceedings on or before 31.3.2007".
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> Disposed of.

November 27, 2006. **(SURYA KANT)**
dinesh **JUDGE**